

FIRST REGULAR SESSION

# SENATE BILL NO. 318

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR LEMBKE.

Read 1st time February 5, 2009, and ordered printed.

TERRY L. SPIELER, Secretary.

1680L.01I

## AN ACT

To repeal sections 334.098 and 337.649, RSMo, and to enact in lieu thereof two new sections relating to complaints against certain licensed professionals.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 334.098 and 337.649, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 334.098 and 337.649, to read as follows:

334.098. 1. If the board finds merit to a complaint by an individual incarcerated or under the care and control of the department of corrections **or by an individual who has been ordered to be taken into custody, detained, or held under sections 632.480 to 632.513, RSMo,** and takes further investigative action, no documentation may appear on file or disciplinary action may be taken in regards to the licensee's license unless the provisions of subsection 2 of section 334.100 have been violated. Any case file documentation that does not result in the board filing an action pursuant to subsection 2 of section 334.100 shall be destroyed within three months after the final case disposition by the board. No notification to any other licensing board in another state or any national registry regarding any investigative action shall be made unless the provisions of subsection 2 of section 334.100 have been violated.

2. Upon written request of the physician subject to a complaint, prior to August 28, 1999, by an individual incarcerated or under the care and control of the department of corrections **or prior to August 28, 2009, by an individual who has been ordered to be taken into custody, detained, or held under sections 632.480 to 632.513, RSMo,** that did not result in the board filing an action pursuant to subsection 2 of section 334.100, the board and the division of professional registration, shall in a timely fashion:

- 20 (1) Destroy all documentation regarding the complaint;
- 21 (2) Notify any other licensing board in another state or any national
- 22 registry regarding the board's actions if they have been previously notified of the
- 23 complaint; and
- 24 (3) Send a letter to the licensee that clearly states that the board found
- 25 the complaint to be unsubstantiated, that the board has taken the requested
- 26 action, and notify the licensee of the provisions of subsection 3 of this section.
- 27 3. Any person who has been the subject of an unsubstantiated complaint
- 28 as provided in subsection 1 or 2 of this section shall not be required to disclose
- 29 the existence of such complaint in subsequent applications or representations
- 30 relating to their medical practice.

337.649. 1. If the board finds merit to a complaint by an individual

2 incarcerated or under the care and control of the department of corrections **or by**

3 **an individual who has been ordered to be taken into custody, detained,**

4 **or held under sections 632.480 to 632.513, RSMo,** and takes further

5 investigative action, no documentation may appear on file or disciplinary action

6 may be taken in regards to the licensee's license unless the provisions of

7 subsection 2 of section 337.630 or subsection 2 of section 337.680 have been

8 violated. Any case file documentation that does not result in the board filing an

9 action under and pursuant to subsection 2 of section 337.630 or subsection 2 of

10 section 337.680 shall be destroyed within three months after the final case

11 disposition by the board. No notification to any other licensing board in another

12 state or any national registry regarding any investigative action shall be made

13 unless the provisions of subsection 2 of section 337.630 or subsection 2 of section

14 337.680 have been violated.

15 2. Upon written request of the social worker subject to a complaint, prior

16 to August 28, 2007, by an individual incarcerated or under the care and control

17 of the department of corrections **or prior to August 28, 2009, by an**

18 **individual who has been ordered to be taken into custody, detained, or**

19 **held under sections 632.480 to 632.513, RSMo,** that did not result in the

20 board filing an action under and pursuant to subsection 2 of section 337.630 or

21 subsection 2 of section 337.680, the board and the division of professional

22 registration shall in a timely fashion:

- 23 (1) Destroy all documentation regarding the complaint;
- 24 (2) Notify any other licensing board in another state or any national
- 25 registry regarding the board's actions if they have been previously notified of the

26 complaint; and

27 (3) Send a letter to the licensee that clearly states that the board found  
28 the complaint to be unsubstantiated, that the board has taken the requested  
29 action, and notify the licensee of the provisions of subsection 3 of this section.

30 3. Any person who has been the subject of an unsubstantiated complaint  
31 as provided in subsection 1 or 2 of this section shall not be required to disclose  
32 the existence of such complaint in subsequent applications or representations  
33 relating to their social work professions.

Unofficial ✓

Bill

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